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OCA#86-1810

21 May 1986

MEMORANDUM FOR THE RECORD

SUBJECT: S. 1815:   Discussions Concerning Senate Labor
           & Human Relations Committee First Attempt At A Markup

     1.   On 21 May 1986, I spoke with Kevin McGuiness, Counsel
(Majority), Senate Labor and Human Relations Committee and Jack
Perkins, Legislative Counsel, Department of Justice, concerning
the attempt by the Committee on 20 May to "markup" S. 1815, the
"Polygraph Protection Act of 1986".

     2.   Mr. McGuiness apologized for not informing us of the
decision by Chairman Hatch to attempt at the markup to seek
Committee approval to report out S. 1815 with no amendments
including the governmental exemption amendment. He said that
the decision had been a tactical one, made rather quickly in
reaction to Senator Thurmond's decision to work to "kill" the
bill.

     3.   Mr. McGuiness assured me there was sufficient support
around the Committee for the government exemption as drafted.
I noted Senator Dodd's remark about adding to each exemption
amendment a requirement that the results of a polygraph
examination not be the sole basis for an adverse personnel
action. He indicated that he did not expect this to happen as
it would involve intruding upon another committee's
jurisdiction, that of the Senate Select Committee on
Intelligence (SSCI), and no one on Labor and Human Relations
wished to do that.

     4.   We concluded by agreeing that at this point the only
thing to be done was to await what developed at the next
Committee meeting on the bill, in particular, what tactics were
taken by the supporters of the bill in response to Senator
Thurmond's efforts to "kill" it.

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        5. In my conversation with Jack Perkins, he indicated that
Kurt Weismueller of Justice's Office of Intelligence Policy had
attended the hearing. His impression of the hearing was that
Senator Thurmond was the staunchest foe of the bill.

                              Legislation Division
                         Office of Congressional Affairs

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